

PARTIES, JURISDICTION AND VENUE

1.

The Plaintiff is State Farm Mutual Automobile Insurance Company, a corporation registered with the Georgia Secretary of State to do business in the state of Georgia, who brings this claim for damages arising out of a motor vehicle collision which occurred on August 23, 2022.

2.

The Defendant is The United States of America. This is a Federal Tort Claim Act claim brought pursuant to 28 U.S.C. 2671 et. seq. The United States of America may be served with process upon the U.S. Attorney for the Northern District of Georgia, at 600 U.S. Courthouse, 75 Spring Street, N.W., Atlanta, Georgia 30303, and as otherwise provided by applicable law.

3.

This is a claim for damages involving a federal department, to wit: The United States Department of Justice (hereinafter “DOJ”).

4.

Prior to bringing this suit, this claim was brought before DOJ with a settlement demand for money damages in a sum certain. The Federal Tort Claim Act claim referenced above was submitted to DOJ on or about January 3, 2023.

5.

This claim arises out of a motor vehicle collision between a government vehicle (2020 Ford F150 pickup) being driven by DOJ employee Walter Jerry Parrish, who was acting in the course and scope of his employment, and Maray Paniagua Ortiz (Plaintiff's insured driver). Said collision occurred on GA Hwy 3 and Airport Road in Whitfield County, Georgia, on August 23, 2022.

6.

DOJ has failed to pay said claim and more than six (6) months have elapsed since the filing of this claim.

FACTS

7.

On August 23, 2022, Walter Jerry Parrish (hereinafter "Parrish") was employed by DOJ and was acting within the scope of his employment.

8.

On the aforementioned date, Parrish was operating a DOJ vehicle (pickup) behind Plaintiff's insured driver, Maray Paniagua Ortiz. Parrish failed to stop at a red light and struck the side of Plaintiff's insured vehicle. Parrish's negligence was negligence per se in violation of the Uniform Rules of the Road of the State of Georgia, specifically O.C.G.A. 40-6-20 (obedience to traffic control device).

9.

As a direct and proximate cause of the negligence of DOJ, acting by and through its agent employee Parrish, a vehicle owned by Maray Paniagua Ortiz (Plaintiff's insured) was damaged.

10.

Plaintiff brings this action to recover damages in the amount of \$21,250.47. Plaintiff State Farm Mutual Automobile Insurance Company has an equitable right of subrogation in the claim against Defendant as a result of making payment to or on behalf of vehicle owner Maray Paniagua Ortiz under a policy of insurance. Maray Paniagua Ortiz paid her deductible in the amount of \$500.

WHEREFORE, Plaintiff respectfully prays that Defendant be served with process as required by law, that Plaintiff recover verdict and judgment against the Defendant in an amount as the Court shall determine to be appropriate based upon the evidence submitted at the time of trial and for such other and further relief as this Court deems necessary and proper.

Respectfully submitted,

This 5 of July, 2023.

Ronald W. Parnell, P.C.



Ronald W. Parnell
Georgia Bar No. 564450
Attorney for Plaintiff
(Our file 952-5619)

Law Office of Ronald W. Parnell, PC
1630 Old Salem Road
P.O. Box 81085
Conyers, Georgia 30013
PH: (770) 929-8585
rwp@rwpsubro.com